

EXHIBIT C

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Attorneys for Perkins Coie LLP

The Honorable Frederick P. Corbit
Chapter: 11

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WASHINGTON

In Re:

GIGA WATT, INC.,

Debtor.

No. 18-03197-11

**STIPULATION RE PRESERVING
PRIVILEGE PURSUANT TO
FRE 502(d)**

I. RECITALS

By and through undersigned counsel, Mark D. Waldron, in his official capacity as the Chapter 11 Trustee in the above-captioned case, and Perkins Coie LLP (“Perkins”) stipulate and agree as follows:

1. Pursuant to this Court’s “Order Regarding Production of Documents Responsive to Rule 2004 Order and Placing Limits on the Use of Confidential Information in Such Documents,” dated August 13, 2020 (ECF No. 673), Perkins previously produced certain non-privileged documents requested by the Trustee.

2. The Trustee has requested that Perkins provide certain limited additional information and documents that are or may be attorney-client privileged.

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STIPULATION RE PRESERVING PRIVILEGE
PURSUANT TO FRE 502(d) - 1

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1 3. Because the additional documents and information requested by the
2
3 Trustee are attorney-client privileged, or may be subject to a claim of attorney-client
4 privilege, Perkins is unwilling to produce or provide the documents and information
5 sought by the Trustee absent an order of this Court pursuant to Federal Rule of
6 Evidence 502(d) stating that the production of documents and/or provision of
7 information by Perkins to the Trustee shall not constitute or result in a waiver of
8 attorney-client privilege or any other potentially applicable privilege or protection
9 from discovery, both as to any documents produced to the Trustee, and as to any other
10 documents in Perkins' possession that are subject to a claim of privilege.
11

12 **II. STIPULATION**

13 4. The Trustee stipulates and agrees that the production and/or provision of
14 additional documents and information by Perkins is not and shall not be a waiver of
15 any otherwise applicable privilege or other protection from discovery, and that an
16 order preserving such privilege or protection is appropriate.
17

18 5. The Trustee and Perkins stipulate and agree to the entry of an order
19 pursuant to Fed. R. Evid. 502(d) stating that the production of documents and
20 provision of information by Perkins in this matter does not waive any applicable
21 privilege or protection. The proposed stipulated order will be uploaded to the Court's
22 docket herewith.
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STIPULATION RE PRESERVING PRIVILEGE
PURSUANT TO FRE 502(d) - 2

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1 DATED this 11th day of September, 2020.

2 BYRNES KELLER CROMWELL LLP

POTOMAC LAW GROUP

3 By /s/ Bradley S. Keller

By /s/ Pamela M. Egan

4 Bradley S. Keller, WSBA #10665

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5 By /s/ Ralph E. Cromwell, Jr.

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13 *Attorneys for Perkins Coie LLP*

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STIPULATION RE PRESERVING PRIVILEGE
PURSUANT TO FRE 502(d) - 3

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1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on this 11th day of September, 2020, I electronically filed
3 the foregoing with the Clerk of the Court using the CM/ECF System, which in turn
4 automatically generated a Notice of Electronic Filing (NEF) to all parties in the case
5 who are registered users of the CM/ECF system. The NEF for the foregoing
6 specifically identifies recipients of electronic notice.

7 By /s/ Ralph E. Cromwell, Jr.

8 Ralph E. Cromwell, Jr.

9 *Attorneys for Perkins Coie LLP*

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26 Exhibit C, Page 4 of 4

STIPULATION RE PRESERVING PRIVILEGE
PURSUANT TO FRE 502(d) - 4

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